

The presently pending Claims 1-9 have been rejected under the applicants' description of the prior art ("AAPA"), as set forth and illustrated in Fig. 2 of this application.

Initially, Applicants respectfully submit that the AAPA does not teach the claimed invention, as is explained in the specification pages 1-6.

With respect to the indication made in the rejection of Claims 1 and 8 that the "wave-like" profile is inherently shown in the AAPA, Fig. 2, it is respectfully suggested that the "wave-like" profile cannot be formed due to complete planarization of the entire surface along the line AA', as shown in Fig. 2. Thus, the AAPA illustrated in Fig. 2 cannot but have a linear top profile. This fact can be confirmed from the first sentence of the paragraph at page 5, line 14, et seq. of the specification in which it is stated: "A general CMP process completely planarizes an entire surface regardless of the field and active areas h and t along a dotted line AA'". Accordingly, the indication that the AAPA describes the "wave-like" profile seems to result from misunderstanding of the AAPA, as described, and the rejection is considered improper.

Additional reliance on the rejection as obvious over the AAPA in view of U.S. Patent No. 5,356,833, (Maniar et al.) is also misplaced. Maniar et al. fail to teach the limitation described above which is not taught by the AAPA, and it is respectfully submitted consequently that the obviousness rejection is not correct since the rejection fails to set forth a *prima facie* case of obviousness. The present invention is characterized in that the surface polished by CMP has the "wave-like" profile or a non-linear top profile. Maniar et al. relates to a process for forming an intermetallic member and does not disclose the "wave-like" profile as in the present invention at all. Moreover, the CMP slurry

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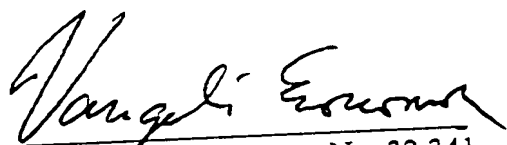
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disclosed in the cited Maniar et al. reference is one of a number of materials well known in the art. Further, in the present invention, a polishing selection ratio between the insulating interlayer and the gate metal layer is set to no less than 50, whilst the cited reference Maniar et al. teach a polishing selection ratio of 1:1.

For the above reasons, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections. An indication of allowable subject matter is earnestly solicited.

Respectfully submitted,

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TO: Examiner Pham, Thanh V. Fax. No.: (703) 308-7382  
Art Unit 2823

FROM: Van Economou - Ladas & Parry (312) 427-1300

DATE: December 13, 2002

RE: U. S. Patent Application No. 09/994,284

Please Deliver the attached proposed claims to Ex. Pham, Thanh V., as soon as possible.  
This application is under a FINAL REJECTION.

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